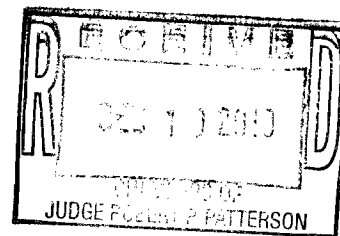


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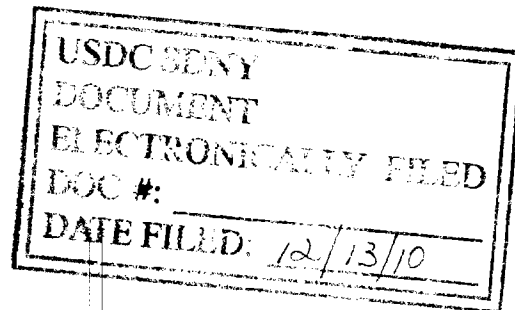
**MEMO ENDORSED**



December 9, 2010

**BY HAND**

Hon. Robert P. Patterson  
United States District Judge  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007-1312



Re: Levin v. Bank of New York, Case No. 09 Civ. 5900 (RPP) (S.D.N.Y.)

Dear Judge Patterson:

We represent defendant and third-party plaintiff The Bank of New York Mellon ("BNY Mellon") in the above-referenced proceeding.

In compliance with Your Honor's Individual Rules, I am enclosing courtesy copies, marked as such, of BNY Mellon's notice of motion for leave to file an additional third-party complaint against a party that has recently asserted that it, and not a related entity, is the actual beneficiary of one of the blocked wire transfers involved in Phase 1 of this proceeding, together with my supporting declaration and BNY Mellon's memorandum of law.

The Court may want to shorten the time to serve opposing and reply papers on this motion, as it did with respect to the previous motion for leave to file an additional third-party complaint, and we are prepared to submit reply papers on an expedited basis.

Respectfully submitted,

J. Kelley Nevling, Jr.

cc: Suzelle M. Smith, Esq. (by e-mail with enclosures)  
James L. Bernard, Esq. (by e-mail with enclosures)  
Richard M. Kremen, Esq. (by e-mail with enclosures)  
All other counsel (by e-mail without enclosures)

**See attached typewritten  
Memo Endorsement**

*Application  
Exempted  
opportunity  
papers are to  
be filed within 10 days  
of the serving of the  
complaint by BNY L  
Occidental to BNY or  
authorizes Eymann  
Reply papers within  
5 days of service of  
opposing papers  
See attached  
to J. Kelley Nevling, Jr.*

12/10/10

Case: Levin v. Bank of New York et al

Index No.: 09 Civ. 5900

MEMO ENDORSEMENT READS:

Application granted.

Opposing papers are to be filed within 10 days of the serving of the Complaint by DHL, Federal Express or Airborne Express. Reply papers within 5 days of service of opposing papers.

So Ordered.

*Robert P. Patterson, Jr., U.S.D.J. 12/10/10*